IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5482 OF 2006

Ashok Leyland Finance ....Petitioners

Versus

Gulab Dhondiba Kale and anr. ....Respondents

WRIT PETITION NO. 5483 OF 2006

Ashok Leyland Finance ....Petitioners

Versus

Mansing Shankar Jadhav and anr. ..Respondents

WRIT PETITION NO. 5634 OF 2006

Ashok Leyland Finance ....Petitioners

Versus

Sahebrao Rabhaji Gavali & anr. ...Respondents

WRIT PETITION NO. 5633 OF 2006

Ashok Leyland Finance ....Petitioners

Versus

Lahanu Maruti Navale and anr. ....Respondents

Ms.Suja i/by. Dunmorr Sett for the petitioners.

P.M.Chakurkar for respondent no.1.

M.P.Rege and Co. for respondent no.2.

CORAM: S.C.DHARMADHIKARI, J.

21.11.2007

P.C. :

1. Heard learned counsel appearing for the petitioner. Perused the impugned order. The orders are passed upon an application made by the petitioner defendant seeking a relief that the suit be dismissed as infructious.

2. Despite the events being noticed, the court has decided to proceed with the suit on merits. That by itself does not mean that the court has finally pronounced on the issues raised in the application preferred by the petitioner. It would be open for the petitioner to point out that the suit claim is rendered infructious on account of the events and developments subsequent to its institution. Such pleas can even now be raised and the court is obliged to consider them irrespective of the rejection of their application. By keeping all such pleas and contentions open for both sides, the present petition is dismissed.

(S.C.Dharmadhikari,J)